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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

B-4198 618840-8

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on October 13, 2005Signature *Alma Smalling*Typed or printed name Alma Smalling

Application Number

09/875,462

Filed

June 5, 2001

First Named Inventor

Jean-Michel ROSSET

Art Unit

2642

Examiner

Rasha S. AL AUBAIDI

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

- ☐ attorney or agent of record.
Registration number _____

- ☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 43,010

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October 13, 2005

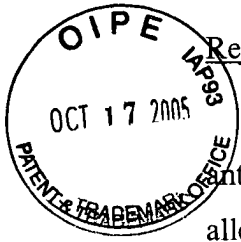
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 2 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Rejection under 35 U.S.C §102

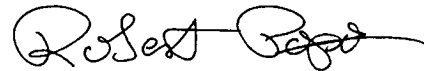
Claims 1-6, 10, and 16-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,094,479 to Lindeberg et al. In particular, the Examiner alleges that Lindeberg discloses a subscriber telephony component executed by processing means because the claimed processing means read on the call control functions (CCFs) within the service switching points (SSPs) 241 and 245 disclosed at col. 6, lines 45-60, which according to the Examiner “does the actual functionality of the switch.” In their previous reply, Appellants explained in detail that there is nothing in this passage nor anywhere else in Lindeberg that is related to a subscriber telephony component, and further pointed out the SSPs that incorporate these CCFs are part of the “intelligent network 200” and have nothing whatsoever to do with a subscriber telephony component. Appellants further noted that the Examiner appeared to equate Appellants’ claimed subscriber telephony component to the customer domain 250 of Lindeberg, which interpretation was incorrect and ran directly contrary to the Examiner’s earlier assertion that the processing means of the subscriber telephony component are the CCFs which, as noted above, are in the intelligent network, not in the customer domain. Obviously, the alleged subscriber telephony component cannot be in the customer domain if it incorporates components that are clearly disclosed as being in the intelligent network and, as made abundantly clear in Lindeberg, the customer domain and the intelligent network are completely separate entities.

In the final Action the Examiner repeats verbatim his previous rejection, only now alleges that the claimed subscriber telephony component reads on customer domains 260 and/or 270 instead of 250, and declares that “[t]hus, SSPs 245 and 241, which contain CCFs 247 and 243 that perform the core functionality of the switch actually serve that customer domain 260 and 270.” The irrelevancy of this statement is immediately and painfully obvious to anyone who even only cares to glance at Fig. 1 of the Lindeberg reference, wherein newly-invoked customer domains 260 and 270 are also, just like customer domain 250, not part of the intelligent network. There is no difference between customer domain 250 and 260/270 with regards to their relevancy to the claimed invention. The Examiner’s cryptic allegation that “SSPs 245 and 241 ... actually serve

that customer domain 260 and 270" is (a) irrelevant and (b) not supported by the reference. The fact remains that the Examiner keeps attempting to join disparate components of Linderberg in a totally different manner from what Lindeberg actually discloses in order to support the anticipation rejection, and to be interpreting each of these components in whichever manner is most convenient for each particular claim rejection. Appellants respectfully submit that the Examiner has once again failed to show where Lindeberg shows each and every claimed limitation in accordance with the Rules, and his purported Response to Arguments is in fact completely non-responsive and devoid of any substance.

For all of the above reasons, Appellants respectfully submit that the Final Office Action mailed on July 13, 2005 contains multiple clear errors in the examiner's rejections and that the examiner's rejections omit essential elements required for a prima facie rejection. Appellants thus respectfully request that the application be allowed on the existing claims and prosecution remain closed.

Respectfully submitted,



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